

REMARKS

I. Introduction

This paper is submitted in response to the Office Action mailed July 22, 2004 for the above-identified patent application. Claims 10-29 are pending in the application and have been rejected.

The Examiner has objected to Figure 1 because it does not contain the letters “t” or “W.” Applicants submit herewith a Replacement Sheet of Figure 1 which has been amended to identify the wall thickness “t” and the channel size “W,” to overcome the objection.

The Examiner has objected to Figure 13 because there is no description of the numbers 15, 22 and 33. Applicants have amended the third paragraph of page 33, lines 16 to 27, to correct the specification and properly describe numbers 15, 22 and 33, to overcome the objection.

The Examiner has objected to the figures in general because there are no numbers 8 or 9. Applicants have amended the second paragraph of page 32, lines 15 to 24, to remove reference to numbers 8 and 9, to overcome the objection.

The Examiner has objected to the specification because there is no Brief Description of the Drawings. Applicants have amended the specification to include a Brief Description of the Drawings, to overcome the objection.

It is respectfully submitted that no new matter has been added by the foregoing amendments.

II. The Rejections Under 35 U.S.C. §112 ¶2 Should Be Withdrawn

The Examiner has rejected Claims 11, 12, 14, 16, 17 and 19 as indefinite because they depend from canceled claim 1. Claims 11, 12, 14, 16, 17 and 19 have been amended to depend from claim 10 to overcome the rejection. The Examiner has rejected Claims 13, 15 and 18 as indefinite because they depend from canceled Claim 2. Claims 13, 15 and 18 have been amended to depend from claim 11 to overcome the rejection. The Examiner has rejected Claims 21, 23, 25, 27 and 29 as indefinite because they refer to the “Apparatus according to claim 11.” Claims 21, 23, 25, 27 and 29 have been amended to depend from claim 20 to overcome the rejection. The Examiner has rejected Claims 22, 24, 26 and 28 as indefinite because they refer to the “Apparatus according to claim 12.” Claims 22, 24, 26 and 28 have been amended to depend from claim 21 to overcome the rejection. Therefore, in view of the foregoing amendments, reconsideration and withdrawal of the rejection of claims 11-19 and 21-29 under 35 U.S.C. §112 ¶2 is respectfully requested.

III. The Rejections Under 35 U.S.C. §102 Should Be Withdrawn

Claims 10-29 have been rejected under 35 U.S.C. § 102(b) as being unpatentable in view of International Publication WO 99/62616 (“the ‘616 reference”). The Examiner states that claims 10-29 are “clearly anticipated by both the filter element and the filter apparatus containing such element of WO99/62616.”

In order to render a claim anticipated under 35 U.S.C. § 102, a single prior art reference must disclose each and every element of the claim in exactly the same way. However, there is no indication in the Office Action as to what portion of the ‘616 reference discloses each

and every element of the rejected claims. As a result, the Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of anticipation with respect to the rejected claims.

Moreover, the '616 reference does not disclose a filter element for removing contaminants from gases comprising a monolithic porous carbon structure as disclosed in the present invention. Instead, the '616 reference discloses a structure formed of a porous silica substrate having a carbon bound to the surface of the silica substrate. In particular, the '616 reference discloses replacing glass fibers with silica fibers and not the monolithic porous carbon filters disclosed in the present invention. Thus, the '616 reference does not teach each and every element of the present invention as claimed.

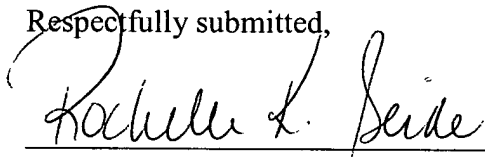
Therefore, reconsideration and withdrawal of the rejection of claims 10-29 under 35 U.S.C. § 102(b) is respectfully requested.

IV. Conclusion

In view of the foregoing remarks, reconsideration and allowance is respectfully requested.

A three (3) month extension to the time for responding to the Official Action is respectfully requested and the appropriate fee is enclosed. Applicants believe that no additional fees are due. However, in the event that fees are due, the Commissioner is hereby authorized to charge payment of any such fees to Deposit Account No. 02-4377.

Respectfully submitted,



Rochelle K Seide
Patent Office Reg. No. 32,300
Attorney for Applicant
(212) 408-2626

Baker Botts L.L.P.
30 Rockefeller Plaza
New York NY 10112-4498

IN THE DRAWINGS

Applicants submit herewith a Replacement Sheet of Figure 1, which has been amended to identify the wall thickness “t” and the channel size “W,” for approval by the Examiner.